



300.12 Personnel Records

Number Series: 300—Personnel

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POLICY

The Hendry County Sheriff's Office shall maintain employees' personnel records in secured files, regardless of the officer in which the records are located, and to afford access by the public strictly in accordance with statutory provisions governing public records.

PROCEDURE

A. Personnel Files

1. All personnel records shall be kept in conformity with Florida Statutes Chapter 119. There shall be only one official personnel file for each employee, which shall be maintained in Human Resources, and shall contain all written counseling notices and formal discipline. This does not preclude other documents supporting the disciplinary action, such as those contained in a Professional Standards file, from being used to support a disciplinary action taken. This shall not preclude a unit level and/or a supervisory file from being kept.
2. No derogatory material will be placed in an employee's official file until the employee has signed for a copy. If any material is placed in an employee's official personnel file, the employee shall be afforded the opportunity to review the material and provide a written response to any document placed within the file.
3. An employee will have the right to review his or her official personnel file, training file, professional standards file, and his or her unit level and/or supervisory file at reasonable times designated by the Sheriff or his designee, under the supervision of the designated records custodian, to the extent permitted by law.
4. Where the Sheriff or his designee, the Public Employees Relations Commission, the courts, an arbitrator, or other statutory authority determines that a document has been placed in the employee's personnel file in error or is otherwise invalid, such document shall be stamped "NOT VALID," placed in an envelope together with a letter of explanation, and maintained in the employee's official personnel file. The contents of the envelope will be disclosed pursuant to the requirements of Florida law.

B. Generally, the personnel records of public employees are open for inspection by the public (i.e., are considered public records) unless the records or portions thereof are specifically exempted from disclosure as outlined in Florida Statutes 119, other

applicable statutes, and as outlined elsewhere in this Procedure. In accordance with the principle of public records, the following are some of the personnel records that have been determined to be subject to disclosure:

1. Applications for employment
2. Grievance records
3. Resumes
4. Salary information

C. Personnel records exempt from public disclosure/inspection for all public employees are listed as follows:

1. Annuity or custodial account activities (including tax-sheltered accounts such as deferred compensation).
2. Complaints filed related to an allegation of discrimination generally, an allegation of employment discrimination, and/or against a law enforcement officer and all information/records obtained from the investigation relating to the particular complaint will be exempt from public disclosure in accordance with Florida Statutes 112.533: Receipt and Processing of Complaints and/or Procedures 300.04: Harassment and 300.25: Internal Investigation and Complaint Procedures.
3. Criminal history information
 - a. In some cases, criminal or juvenile records or abuse registry information obtained by specific agencies as part of a background check required for certain positions have been determined to be confidential and exempt from public inspection/disclosure or use of the information is restricted. Similarly, Florida Statutes Sections 943.0585 and 943.059 prohibit the release or acknowledgment of the existence of records relating to expunged or sealed criminal history records.
4. Direct deposit information
 - a. Direct deposit records made prior to October 1, 1986 are exempt from public records.
 - b. Direct deposit records made on or after October 1, 1986 exclude from public records **only** the names of the authorized financial institution and account numbers.
5. Drug test results.
6. Employee Assistance Program – records/reports of employee participation.
7. Examination questions and answer sheets for employment, licensure, and/or certification.
8. Medical information and psychological evaluations.
9. Ridesharing information.
10. Social Security numbers.

D. Statutory exemptions from public records are applicable specifically as follows:

1. Sworn law enforcement and corrections officer personnel
 - a. Written complaints filed against sworn officers (whether by persons within or outside the agency) and all information obtained pursuant to the investigation of the complaint by the agency are confidential until the investigation is no longer active or until the officer is provided written notice that the investigation has been concluded with a finding either to proceed or not to proceed with disciplinary action or the filing of charges. If the officer resigns prior to completion of the investigation by the agency, the public records exemption no longer applies (with the

exception of any information which qualifies as active criminal investigative intelligence) even though the investigation is still active. The exemption from public records does not preclude the affected law enforcement officer from reviewing the complaint and all written statements of the complainant/witnesses immediately prior to the beginning of the administrative investigative interview.

- b. Home telephone numbers/addresses, Social Security numbers, and photographs of active or former law enforcement officers, including correctional and correctional probation officers, and their spouses and children are exempt from public records, as are the places of employment of spouses/children and the names and locations of schools and day care facilities attended by children of such officers.

2. Civilian personnel

- a. Home addresses, telephone numbers, social security numbers and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers or assistant managers whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel related duties; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel.

3. Employment questions and answers included in polygraph records. This public records exemption relates only to those questions/answers that are deemed examination-related for employment purposes.

E. Maintenance of Confidential Information

1. The confidentiality of records that are exempt from public inspection/disclosure, is maintained as follows:
 - a. In the case of documents which are confidential in their entirety such as medical information, those records are maintained in locked files in a secure location from which public access is restricted.
 - b. In the case of documents which are considered public records but which may contain confidential information, such as the home telephone number/address of a sworn law enforcement officer that is included in his/her employment application, any/all confidential information will be redacted prior to public inspection/disclosure.
 - c. Confidential records may be released upon written authorization of the employee or subject to a subpoena.

F. Changes in Personnel Information

1. It is each employee's responsibility to ensure that his/her personnel records are current and accurate. Accordingly, Human Resource should be immediately notified of any changes in address/telephone numbers, name(s) of beneficiary, number/names of dependents, marital status, emergency notification contact, completion of training/schooling (copies of certificates/licenses should be forwarded for inclusion in the employee's file), or any other relevant personal or professional information.

G. Employee Personnel Files/Departmental Records

1. Generally, employee personnel files are maintained in Human Resource, which is the custodian of personnel files. However, each division is authorized to maintain

copies of such records as may be necessary to verify employee attendance and eligibility for pay or other records as may be required by law. Access to such records will be provided to the Professional Standard Unit, Human Resource, and/or other units as necessary.

H. Retention of Personnel Records

1. The retention schedule and disposal authorization for all public records, including personnel files, is governed by Florida Statutes, which require that each agency establish procedures accordingly. The retention and disposal of personnel records and any other records of the Sheriff's Office are strictly in accordance with all applicable statutes.

I. Authorized Release of Information

1. Employees may authorize the Human Resources Unit to release personal and payroll information to banks, lending institutions, insurance firms, etc., for the purpose of securing a loan/mortgage, or for other purpose by written authorization. Employees will authorize the Sheriff's Office access to medical, previous employment, military, or any other information necessary to determine the employee's fitness for appointment or continuation of employment.

J. Inspection of Personnel Records

1. Requests to inspect personnel records of Sheriff's Office employees will be processed in accordance with the provisions of Florida Statutes Chapter 119 and other applicable state and federal statutes.
2. Whenever a request is made by a person not employed by the Sheriff to review an employee's official personnel file or professional standards file, notice of the request shall be provided to the employee as well as the name and affiliation of the person making the request, if the individual making the request has provided such information.

DEFINITIONS

MEDICAL RECORD – Any note, report, finding, or document generated by, or responded to by any licensed medical professional regarding past or present medical, physical, or psychological information.

REFERENCES

State/Federal Regulations:

Florida Statutes 112.533
Florida Statutes 119
Florida Statutes 943.0585
Florida Statutes 943.059

CFA:

None

Forms:

None

Other Policy/ Procedure References:

300.04 Harassment

300.25 Internal Complaints and Investigative Procedures